

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NOVELLA JOHNSON,

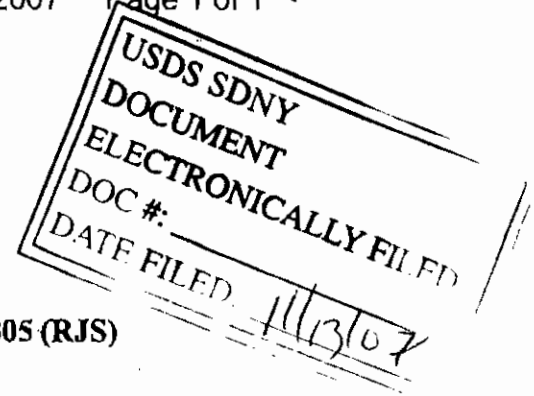
Plaintiff,

-against-

CITY OF NEW YORK, METROPOLITAN  
TRANSIT AUTHORITY, MANHATTAN AND  
BRONX SURFACE TRANSIT OPERATING  
AUTHORITY AND DAVID COLLUM,

Defendants.  
-----X

07 CV 5805 (RJS)



**NOTICE OF VOLUNTARY  
DISMISSAL OF CLAIMS  
AGAINST DEFENDANT  
CITY OF NEW YORK**

PLEASE TAKE NOTICE THAT plaintiff Novella Johnson, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby voluntarily discontinues without prejudice her action in the above captioned matter solely as against defendant City of New York, who not yet served an answer or moved for summary judgment. Accordingly, the plaintiff's action against defendant City of New York is hereby dismissed without prejudice.


Dated: Brooklyn, New York  
November 9, 2007

REIBMAN & WEINER  
Attorneys for Plaintiff

By: s/\_\_\_\_\_  
Michael Lumer (ML-1947)  
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(718) 522-1743

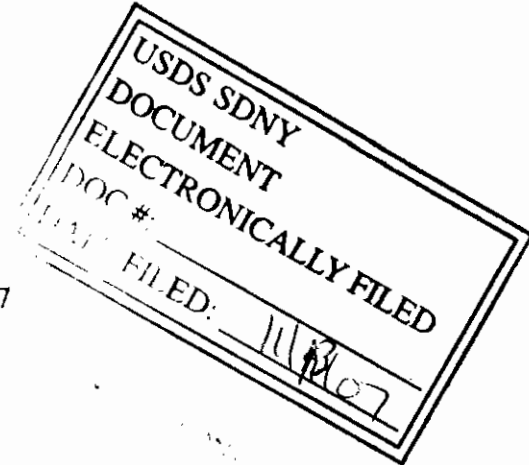
To: Jennaydra D. Clunis, Esq. (By ECF)  
Kristen Nolen, Esq. (By ECF)  
Francine Menaker, Esq. (By ECF)

SO ORDERED  
Dated: 11/9/07

  
RICHARD J. SULLIVAN  
U.S.D.J.

REIBMAN & WEINER

26 Court Street  
Suite 1005  
Brooklyn, NY 11242  
(718) 522-1743  
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November 9, 2007

**By ECF**

Honorable Richard J. Sullivan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *Johnson v. City of New York, et. al.*,  
07 CV 5805 (RJS)**

Dear Judge Sullivan:

Our firm represents the plaintiff in the above captioned action. I write to request that the pre-motion conference scheduled for November 13, 2007, be cancelled as moot.

On October 31, 2007, defendant City of New York wrote to the Court requesting a the conference in anticipation of moving to dismiss the action on the ground that it is an improper party. Plaintiff has today filed a voluntary dismissal of the action against defendant City of New York pursuant to Fed. R. Civ. P. 41(a)(1). Parenthetically, the plaintiff is not dismissing its claims against any of remaining defendants.

Accordingly, defendant City of New York's contemplated motion to dismiss is now moot, and there is no basis for the scheduled conference.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Michael B. Lumer (ML-1947)

cc: Jennaydra D. Clunis, Esq. (By ECF)  
Kristen Nolen, Esq. (By ECF)  
Francine Menaker, Esq. (By ECF)

SO ORDERED  
Dated: 11/9/07  
RICHARD J. SULLIVAN  
U.S.D.J.